

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

JETHRO SHELDON THURSTON
JENNIFER LEIGH THURSTON

CASE NO. 20-00625-MH3-13
HEARING DATE: April 15, 2020
JUDGE MARIAN F HARRISON
03/18/2020

**TRUSTEE'S MOTION TO DISMISS OR CONVERT FOR CAUSE FOR FAILURE TO
CONFIRM A PROPOSED PLAN PURSUANT TO 11 U.S.C. § 1307(c)(5)**

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, hereby moves the Court to dismiss or convert the above-styled case, whichever is in the best interest of creditors and the estate, for cause, pursuant to 11 U.S.C. § 1307(c)(5) for denial of confirmation of a plan under § 1325 and denial of a request made for additional time for filing another plan or modification of a plan.

In support of this motion, the Trustee would state that the Trustee has requested a hearing on confirmation of the debtors' proposed Chapter 13 plan based upon an objection to confirmation of the debtors' proposed plan. In the event the objection to confirmation is sustained, the debtors' proposed plan is not confirmed and request by the debtors, if any, for additional time to file another plan or a modification of the proposed plan is denied, the Trustee would request this Court dismiss or convert the case, whichever is in the best interest of creditors and the estate, for cause, pursuant to 11 U.S.C. § 1307(c)(5).

The Trustee requests the Court set a hearing on this motion to dismiss or convert on the same date and time as the hearing on confirmation of the proposed plan.

WHEREFORE, THE PREMISES CONSIDERED, the Trustee respectfully moves this Court to dismiss or convert, whichever is in the best interest of creditors and the estate, for cause, the above-styled case, pursuant to 11 U.S.C. § 1307(c)(5), for failure to confirm a proposed plan.

Respectfully submitted,

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
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